

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MON CHERI BRIDALS, INC., : Civil No. 04-1739 (AET)

Plaintiff, :

v. : VERDICT SHEET

WEN WU, individually, WEN WU :
d/b/a JACQUELIN BRIDALS, WEN :
WU d/b/a PRIVATE COLLECTION, :
WEN WU d/b/a CHRISTINA WU, :
WEN WU d/b/a LABELLE FASHIONS, :
WEN WU d/b/a TIFFANY DESIGNS, :
UNITED WU ENTERPRISES, INC., :
FORMOSA SUNRISE CORPORATION, :
MDTW, INC., MIRAGE COLLECTION :
INC., BERNIE KAITZ, and ABC :
COMPANIES, 1-10 (fictitious :
designations), :

Defendants. :

We, the Jury, reach the following verdict:

BREACH OF CONTRACT

1. Did Mon Cheri prove by a preponderance of the evidence that Mon Cheri and Mr. Wu and his companies entered into an enforceable contract?

Yes ✓ No

If you answered "yes," then proceed to question #2. If you answered "no," then skip to question # 5.

2. Did Mr. Wu and his companies breach that contract?

Yes ☒ No ☐

If you answered "yes," then proceed to question #3. If you answered "no," then skip to question # 5.

3. Did Mr. Wu and his companies' breach cause a loss to Mon Cheri?

Yes ☒ No ☐

If you answered "yes," then proceed to question #4. If you answered "no," then skip to question # 5.

4. What amount of money will fairly and reasonably compensate Mon Cheri for Mr. Wu and his companies' breach?

\$ 107,000

Proceed to question # 5.

COPYRIGHT INFRINGEMENT

5. Did Mon Cheri prove by a preponderance of the evidence that it owns a valid copyright on the following registrations?

Dress Style # 21917

Yes ☒ No ☐

Dress Style # 22964	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style # 23942	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style # 12930	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style # 14926	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style# 11926	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style# 14637	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style # 13668	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Dress Style # 15681	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

If you answered "no" to any of the above, for those registrations your deliberations are concluded with respect to the claims for copyright infringement and you should proceed to question # 9. If you answered "yes", proceed to # 6.

6. Did Mr. Wu and his companies prove by clear and convincing evidence that Mon Cheri knowingly and intentionally failed to advise the copyright office of facts which might have occasioned the rejection of any of the applications?

Yes ☐ No ☒

If you answered "yes" to # 6, proceed to # 9. If you answered "no" to # 6, proceed to # 7.

7. Did plaintiff prove by a preponderance of the evidence that Mr. Wu and his companies infringed any valid copyright registrations?

# 21917	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
# 22964	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
# 23942	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

# 12930	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
# 14926	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
# 11926	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
# 14637	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
# 13668	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
# 15681	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If you answered "yes" to any of the above, proceed to question # 8.

If not, skip to question # 9.

8. What amount of money will fairly and reasonably compensate Mon Cheri for Mr. Wu and his companies' acts of infringement?

\$ 107,000.

Proceed to question # 9.

UNFAIR COMPETITION ---- PASSING-OFF

9. Did Mon Cheri prove by a preponderance of the evidence that Mr. Wu and his companies passed-off their dresses by fraudulently marketing their dresses as the actual dresses of Mon Cheri?

Yes ☒ No ☐

If your answer is "yes", continue to question # 10. If "no", your deliberations are concluded.

10. Did Mr. Wu and his companies' acts of passing-off cause Mon Cheri to suffer damages?

Yes ✓ No

If your answer is "yes", proceed to # 11. If your answer is "no", return to the courtroom, your deliberations are over. Just have the foreperson sign the verdict sheet.

11. What amount of money will fairly and reasonably compensate Mon Cheri for Mr. Wu and his companies' acts of passing-off?

\$ 110,000

Answer the following question # 12 only if you answered "yes" to questions # 9 and # 10.

12. Do you find that Mon Cheri is entitled to punitive damages from Mr. Wu and his companies?

Yes ✓ No

If so, in what amount? \$ 375,000

Date: 4/4/08
